

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

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OCT 10 2000

In the Matter of)
)
 Implementation of the Local Competition)
 Provisions of the Telecommunications)
 Act of 1996)
)
 WorldCom, Inc. Petition for Waiver of the)
 Supplemental Order Clarification)
 Regarding UNE Combinations)

CC Docket No. 96-98

DA 00-2131

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

REPLY COMMENTS OF THE VERIZON TELEPHONE COMPANIES¹

The “supporting” comments of AT&T and Net2000 provide further evidence that WorldCom is really seeking to gut the requirements of the *Supplemental Order Clarification*, as nearly all of the other commenters have shown. They also show that WorldCom has not met the standard the Commission set out for seeking a waiver of the “safe harbor” provisions for converting special access services to unbundled network elements.

In the *Supplemental Order Clarification*, 15 FCC Rcd 9587, ¶ 22 (2000), the Commission carefully crafted three “safe harbor” definitions of what constitutes a “significant amount of local exchange service.” Carriers whose special access services fall within any of these safe harbors may convert those services to unbundled network elements. *Id.* In addition, the Commission found that a carrier whose special access services carry a significant amount of local traffic but cannot meet the safe harbor provisions may seek a waiver if it can demonstrate

¹ The Verizon telephone companies (“Verizon”) are the local exchange carriers affiliated with Verizon Communications Inc. listed in Attachment A.

“extraordinary circumstances” in its network that warrant such a waiver. *Id.* at ¶ 23. And WorldCom bases its waiver request on its claim of such unique, extraordinary circumstances.

The comments of AT&T and Net2000 show, as Verizon and most other parties demonstrated in their comments, that there is nothing extraordinary or unique about WorldCom’s network. AT&T even asks for the same relief that WorldCom wants, claiming that it, like WorldCom, wants to convert tens of thousands of special access lines to unbundled network elements, but that it also cannot meet the “safe harbor” provisions. *See* AT&T at 3-4. Similarly, Net2000 admits that it “employs a similar architecture with its special access circuits.” Net2000 at 3. These filings show that WorldCom cannot meet the waiver standard established in the *Supplemental Order Clarification*, because its network is no different from those of other carriers. Instead, WorldCom is trying to eliminate essentially all of the protections that the Commission’s order afforded.

The safe harbor provisions were adopted to prevent the very result that AT&T and WorldCom are trying to achieve – wholesale conversion of special access services to unbundled network elements while the Commission is considering whether or not to allow such conversions. For this reason, those provisions were tailored to cover limited instances in which the facilities carry significant amounts of local traffic. The expansion requested here would gut those provisions and prejudge the pending proceeding – the very result the Commission sought to avoid.

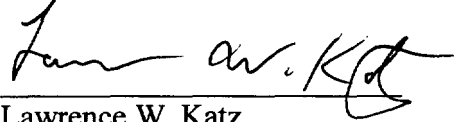
Net2000, for its part, simply misstates the safe harbor provisions, then claims that WorldCom meets them. It cites the ban on commingling in paragraph 28 of the *Supplemental Order Clarification*, then defines commingling as “the *connection of* converted circuits to tariffed services.” Net2000 at 4 (emphasis in the original). Apparently, Net2000 is claiming that

the Commission's commingling bar prohibits interconnection between a tariffed service and a converted circuit in creating an end-to-end service. But that is not what this prohibition addresses. The Commission has defined commingling as "*combining* loops or loop-transport combinations with tariffed special access services." *Supplemental Order Clarification* at ¶28 (emphasis added). This means that the Commission barred the multiplexing of both converted unbundled network elements and special access services on to the same DS3 circuit, which is what WorldCom proposes here. The Commission further specified, for those circumstances where the requesting carrier is not the customer's exclusive local service provider (which WorldCom is not in the instances covered by its petition), that, "[w]hen a loop-transport combination includes multiplexing (*e.g.*, DS1 multiplexed to DS3 level), each of the individual DS1 circuits must meet [the] criteria [specified in the safe harbor provision]." *Id.* at ¶ 22(2) and (3). This clarifies the Commission's intent that DS1 circuits that meet the safe harbor criteria may not be combined – *i.e.*, commingled – onto the same DS3 with circuits that do not meet those criteria. And, if more were needed, the dictionary definition of "commingle," "to mingle together; intermix; blend," also belies Net2000's claimed meaning of the term. *See Webster's New World Dictionary* at 285 (2d College Ed. 1978).² Therefore, commingling has nothing to do with connection between a tariffed service and an unbundled element. Instead, the Commission prohibits a carrier from placing both on the same DS3 circuit.

² Net2000 also urges that WorldCom simply self-certify that its network meets the safe harbor requirements, saying that the incumbent would then be obligated to convert the circuits. Net2000 at 6. When a competitor falsely certifies that its network meets the criteria when it clearly does not, as Net2000 urges on WorldCom, not only is the incumbent not obligated to meet the request, but the competitor should be subject to sanctions for making false statements.

Accordingly, the comments all support denial of WorldCom's waiver petition.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lawrence W. Katz", written over a horizontal line.

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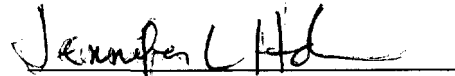
THE VERIZON TELEPHONE COMPANIES

The Verizon telephone companies are the local exchange carriers affiliated with Verizon Communications Inc. These are:

Contel of Minnesota, Inc. d/b/a Verizon Minnesota
Contel of the South, Inc. d/b/a Verizon Mid-States
GTE Alaska Incorporated d/b/a Verizon Alaska
GTE Arkansas Incorporated d/b/a Verizon Arkansas
GTE Midwest Incorporated d/b/a Verizon Midwest
GTE Southwest Incorporated d/b/a Verizon Southwest
The Micronesian Telecommunications Corporation
Verizon California Inc.
Verizon Delaware Inc.
Verizon Florida Inc.
Verizon Hawaii Inc.
Verizon Maryland Inc.
Verizon New England Inc.
Verizon New Jersey Inc.
Verizon New York Inc.
Verizon North Inc.
Verizon Northwest Inc.
Verizon Pennsylvania Inc.
Verizon South Inc.
Verizon Virginia Inc.
Verizon Washington, DC Inc.
Verizon West Coast Inc.
Verizon West Virginia Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of October, 2000, copies of the forgoing "Reply Comments" were sent by first class mail, postage prepaid, to the parties on the attached list.


Jennifer L. Hoh

- * Via hand delivery.
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